

*STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION*

# ***AGENDA***

***Wednesday, February 5, 2003  
9:00 a.m.***

<b>Water Quality Control Board Regional Board Meeting Room 9174 Sky Park Court San Diego, California</b>
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The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, January 22, 2003, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, January 29, 2003 will not be provided to the Regional Board members and will not be considered by the Regional Board. ***PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.***

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail should be submitted to: [rbagenda@rb9.swrcb.ca.gov](mailto:rbagenda@rb9.swrcb.ca.gov).

Pursuant to Title 23, California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, January 22, 2003.

*Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of*

*order at the discretion of the Chairman.*

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting of December 11, 2002.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

***Consent Calendar: Items 5 through 14 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)***

5. Revision of Waste Discharge Requirements: Zoological Society of San Diego, San Diego Wild Animal Park, San Diego County (tentative Addendum No. 1 to Order No. 99-04) *(Bryan Ott)*
6. Revision of Waste Discharge Requirements: General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills within the San Diego Region (tentative Addendum No. 3 to Order 97-11) *(Brian McDaniel)*
7. Modification of Waste Discharge Requirements: CHP Ventures, LLC, Oak Springs RV Resort/Pointxcamp, Riverside County (tentative Addendum No. 2 to Order No. 94-68) *(Eric Becker)*
8. Rescission of Cease and Desist Order No. 98- 25, Color Spot Foliage, Inc., Color Spot Fallbrook Nursery, San Diego County (tentative Order No. R9-2003-0034) *(Eric Becker)*
9. Modification (facility name and ownership change) to Waste Discharge Requirements: Cowboy Country LLC, Mr. Terry Mathis and Mr. Paul Price; Cowboy Country RV and Resort, Riverside County (tentative Addendum No. 1 to Order No. 94-02) *(Eric Becker)*
10. Waste Discharge Requirements and Master Reclamation Permit: Olivenhain Municipal Water District, 4-S Ranch Wastewater Treatment Plant, San Diego County (tentative Order No. R9-2003-0007) *(Bryan Ott)*
11. Administrative Assessment of Civil Liability with Mandatory Minimum Penalties against America Plaza Owners Association for violation of effluent limits established by Order No. 2000-90, for the discharge from sub-grade parking structure groundwater dewatering from the One America Plaza facility to San Diego Bay. The Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2003-0010) *(Vicente Rodriguez)*

12. Administrative Assessment of Civil Liability against KB Homes Coastal, Inc. for failure to pay annual construction storm water fees for the facility located at Frazee Road and Old Grove Road, Oceanside in San Diego County. The Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2003-0011) (*Vicente Rodriguez*)
13. Administrative Assessment of Civil Liability against Lincoln Property Company for failure to pay annual construction storm water fees for the facility located at Puerta Real, Mission Viejo in Orange County. The Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2003-0012) (*Vicente Rodriguez*)
14. Administrative Assessment of Civil Liability against Richmond American Homes for failure to pay annual construction storm water fees for the facility located at Butterfield Stage and Nighthawk Pass, Temecula in Riverside County. The Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2003-0013) (*Vicente Rodriguez*)

***Remainder of the Agenda (Non-Consent Items):***

15. **PUBLIC HEARING** (Continued): Administrative Assessment of Civil Liability against Chung Kwan and Hui Mei Hsu, owners and operators of Budget Trade & Gas, Escondido (tentative Order No. R9-2003-0047) (*Sue Pease*)
16. NPDES Permit Reissuance: National Steel and Shipbuilding Co. Shipyard – San Diego Bay (tentative Order No. R9-2003-0005) (*Paul Richter*)
17. **PUBLIC HEARING**: Revision of Time Schedule for Cease and Desist Order, City of Escondido (NPDES Permit No. CA0107981) (tentative Addendum No. 1 to Cease and Desist Order No. 96-31) (*Bryan Ott*)
18. **PUBLIC HEARING**: Administrative Civil Liability with Mandatory Minimum Penalties against the City of San Diego, San Diego Convention Center Groundwater Dewatering Discharge to San Diego Bay, for Violation of Order No. 2000-90, NPDES Permit No. CAG919001. If the discharger elects to waive their right to a hearing, the matter will be removed from this agenda to allow for a 30-day public review period. (Tentative Order No. R9-2003-0038) (*Rebecca Stewart*)
19. **PUBLIC HEARING**: Administrative Civil Liability against South Coast Water District, Sewage Collection System in Orange County, for Violation of Order No. 96-04 and California Water Code Section 13267. If the discharger elects to waive their right to a hearing, the matter will be removed from this agenda to allow for a 30-day public review period. (Tentative Order No. R9-2003-0037) (*Rebecca Stewart*)
20. **PUBLIC HEARING**: Administrative Civil Liability with Mandatory Minimum Penalties against New Urban West Inc., Brookside Construction Dewatering, Escondido, San Diego County for violations of Order No. 2001-96, NPDES Permit No. CAG919002, for Temporary Groundwater Extraction and Similar Waste Discharges to Reidy Creek. If the discharger elects to waive their right to a hearing, the matter will be removed from this agenda to allow for a 30-

day public review period. (Tentative Order No. R9-2003-0009) (*Sherrie Komeylyan*)

21. A Resolution modifying the Regional Board's Waiver Policy for consistency with recent modifications to the United States Environmental Protection Agency Rule for Confined Animal Feeding Operations. Based on testimony received during their September 11, 2002 Public Hearing, the Board will consider modifications to the Waiver Policy provisions for animal feeding operations to reflect the Final Rule that was signed on December 15, 2002. (Tentative Resolution No. R9-2003-0060) (*Christina Arias*)
22. Settlement of Rakhra Groups, Inc. v. San Diego Regional Water Quality Control Board; the Board will consider settlement of litigation challenging various enforcement actions including a Cleanup and Abatement Order and an order assessing Civil Liability against Rakhra Groups, Inc. for conditions at San Diego Mushroom Farm. (*John Richards*)
23. *Executive Session* - Discussion of Ongoing Litigation  
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:  
*People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al.*. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61; and the related "Surfrider" case:  
  
*Surfrider Foundation, San Diego Chapter v. Robert Ortega, et al.*, Case No. 99-CV-2441-BTM(JFS)  
  
*Building Industry Association of San Diego County, et al. vs. State Water Resources Control Board, et al.*; San Diego County Superior Court; Case No. GIC 7890263.  
  
*Rakhra Groups, Inc., v. San Diego Regional Water Quality Control Board* Superior Court of California, San Diego County; Case No. GIC 776251 and Case No. GIC 786516
24. *Executive Session* - Consideration of Initiation of Litigation  
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
25. *Executive Session* - Discussion of Pending Litigation  
The Regional Board may meet in closed session to discuss pending litigation.
26. *Executive Session* - Personnel  
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
27. Election of Chair and Vice Chair. Porter-Cologne Water Quality Control Act, Chapter 4, Article 2, paragraph 13220(b), Each regional board shall select one of its members as chairman at the first regular meeting held each year.

28. Arrangements for Next Meeting and Adjournment  
Wednesday, March 12, 2003 - 9:00 a.m.  
Water Quality Control Board  
Regional Board Meeting Room  
9174 Sky Park Court  
San Diego, California

*Notifications*

- A. Public notification of Regional Board staff concurrence with a Corrective Action Plan (CAP) for a petroleum contaminated site located at the 13 Area Gas Station (Building 1327), Marine Corps Base Camp Pendleton. (*Beatrice Griffey*)
- B. 45-day Public Notice. On March 12, 2003, the Regional Board will consider adoption of the following tentative Orders:
1. Tentative Order R9-2003-0001: General Waste Discharge Requirements for Post Closure Maintenance for Inactive Non-Hazardous Waste Landfills
  2. Tentative Order R9-2003-0002: General Waste Discharge Requirements for Post Closure Maintenance for Inactive Non-Hazardous Waste Landfills Containing Insignificant Volumes of Decomposable Wastes.
- If adopted, these tentative Orders will establish or revise waste discharge requirements for most of the inactive landfills currently regulated under Order 97-11. (*Amy Fortin*)
- C. 45-day Public Notice. On March 12, 2003, the Regional Board will consider adoption of tentative Order R9-2003-0003: Waste Discharge Requirements for Closure and Post-Closure Maintenance of the San Marcos Landfill, San Diego County. If adopted, this Order would implement closure, post-closure maintenance/monitoring, and corrective action requirements (State and Federal) for the San Marcos Landfill. (*Carol Tamaki*)
- D. On November 8, 2002, the Executive Officer issued Cleanup and Abatement Order No. R9-2002-0340 to Shell Oil Products. The Order was issued for cleanup of petroleum hydrocarbon pollution in soil and groundwater from the Shell (former Texaco) service station located at 44260 Redhawk Parkway, Temecula. (*Sue Pease*)
- E. On January 17, 2003, the Executive Officer issued Order No. R9-2003-0057 rescinding Cleanup and Abatement Order No. R9-2002-371 for William Martin and the City of Murrieta after completion of activities to remove wastes consisting of stable bedding and manure from Temecula Creek. (*Eric Becker*)